

Third Preliminary Amendment and Response to
Restriction Requirement and Election of Species Requirements
USSN 10/565,831

REMARKS

Applicant's attach hereto a clean copy and marked-up copy of a substitute specification. This submission is administrative in nature by adding reference to the priority information, and correcting typographical errors. No new matter is added.

Below please find Applicant's remarks to the Restriction and Election of Species Requirement dated February 27, 2008.

Restriction Requirement

In response to the Restriction Requirement, Applicant elects Group I (claims 11 and 20-31) for examination. This election is made without traverse.

Applicants note that Miyamoto *et al.* (Osteoarthritis Cartilage., 2003 Sep; 11(9): 644-52) is mentioned in the Restriction Requirement. Applicants respectfully submit that Miyamoto is published in September of 2003, while the foreign priority application of the present application, i.e., JP-2003-280191 was filed on July 25, 2003.

Accordingly, Applicants submit under a separate cover a sworn English translation of JP-2003-280191 to remove Miyamoto as a prior art reference.

Election of Species

This responds to the Election of Species Requirement dated March 27, 2008. In response to the Examiner's requirement, Applicant elects the EP2 agonist, namely the compound represented by formula (I-1) described on page 11-12 of the attached substitute specification (page 11 of the original specification). Among them, specifically, Applicants wish to elect

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(5Z,9β,11α,13E)-17,17-propano-11,16-dihydroxy-9-chloroprosta-5,13,19-trienoic acid as a single species. This compound is recited as compound (2) in claim 28 and is also described on page 12, line 20 of the attached substitute specification (page 12, line 18 of the original specification).

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 32, 33 and 34.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Sunhee Lee/

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